

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TARGUS INTERNATIONAL LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-464-RGA
)	
VICTORINOX SWISS ARMY, INC.,)	
)	
Defendant.)	

~~PROPOSED~~ ORDER GRANTING DEFENDANT'S MOTION TO STAY PENDING
THE INSTITUTED *INTER PARTES* REVIEW OF THE PATENT-IN-SUIT

WHEREAS, in ruling on defendant Victorinox Swiss Army, Inc.'s ("Victorinox") Motion to Stay the Litigation Based on *Inter Partes* Review of the Patent-In-Suit, U.S. Patent No. 8,567,578 ("the '578 Patent") (D.I. 83), the Court Ordered:

The motion for a stay (D.I. 83) is DENIED without prejudice to renewing the request if the IPR is instituted. If the IPR is instituted, Victorinox should inform the court by letter with a proposed order staying the case.

D.I. 146 (Oral Order).

WHEREAS, on July 9, 2021, the United States Patent and Trademark Office Patent Trial and Appeal Board ("PTAB") issued a Decision Granting Institution of *Inter Partes* Review (IPR) pursuant to 35 U.S.C. § 314 for the '578 Patent in Case No. IPR2021-00371 ("the Institution Decision"). The Institution Decision instituted the IPR for claims 1–6, 12–14, 17–19, 21–24, 27–33, 38, 39, and 42–57 of the '578 Patent.

WHEREFORE, this case is STAYED as follows:

1. This case is hereby STAYED pending the resolution of the currently pending *Inter Partes* Review Proceedings regarding U.S. Patent No. 8,567,578, designated as IPR2021-00371.

2. Within fourteen (14) days after a Final Written Decision or other final resolution of IPR2021-00371, the Parties shall file a Joint Status Report addressing the effect of the resolution of IPR2021-00371 on the litigation in this Court, including whether the stay should continue pending any appeal of IPR2021-00371, and/or whether a scheduling order and resumption of the litigation is appropriate.

3. Defendant Victorinox Swiss Army, Inc. is subject to the same estoppel under 35 U.S.C. § 315(e) as if it were a petitioner in IPR2021-00371.

Dated: July 14, 2021


United States District Judge